vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5038 OF 2005

Mrs.Arlene Barreto & Anr. ... Petitioners

V/s.

Patrick D'souza & Anr. ... Respondents

Mr.M.S. Bhandary i/b J. John for Petitioners
Mr.N.M. Ganguli i/b Mugdha Jadhav for Respondents

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **SEPTEMBER 13, 2005**

P.C.:

. This Petition challenges the order of the appellate Court which has passed the partial decree for eviction of two rooms out of the suit premises in favour of the landlord i.e., Respondent No.1 herein. The trial Court has directed that one bedroom of the suit premises which are in possession of the Petitioners should be made available to the Respondents. The Appellate Court has directed that out of the flat consisting of two bedrooms, a living room and a kitchen, the Petitioners should hand over possession of the other bedroom as well to the Respondents. The tenants i.e, the petitioners, are therefore, left with the kitchen and the living room. The need of the landlord for the suit premises has been considered by both the Courts below as he has

an unmarried daughter who is a special child staying with him besides his sons and their families. The comparative hardship has also been ascertained by both the Courts below. I see no reason to interfere with the impugned order. Hence, Petition rejected.

2. The learned Advocate for the Petitioners prays for stay of the operation of this order for eight weeks. Stay granted accordingly.